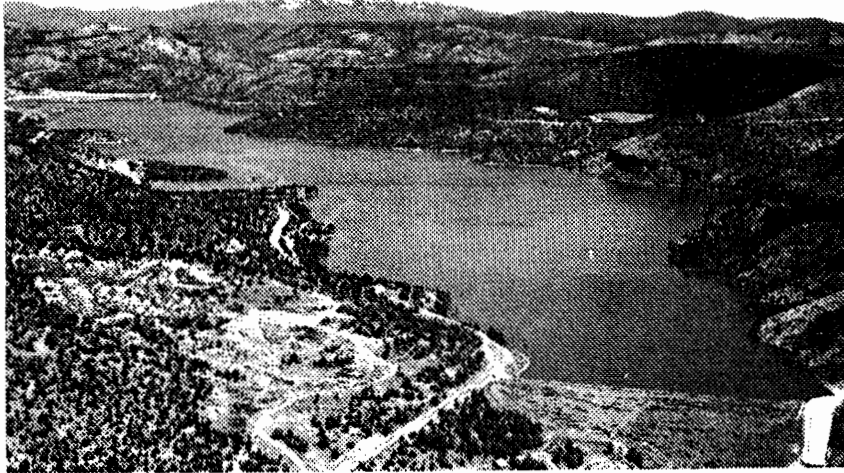


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Each File

7/16/96

OCHOCO IRRIGATION DISTRICT



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SEP 13 1996

WATER RESOURCES DEPT.
SALEM, OREGON

1001 N. Deer Street • Prineville, Oregon 97754
Phone (503) 447-6449 FAX (503) 447-3978

Oregon Water Resources Department
Commerce Building
158 12th St. NE
Salem, OR 97310

Re: IS 70353, [REDACTED], 70355, 70356, 70357, 70585, 70586, 70594, 70595,
70597, 70598, 70601, 70604, 70608, 70609, 70611, 70613

Ochoco Irrigation District is concerned about Oregon Department of Fish and Wildlife's applications for instream water rights in Crook County. The above application numbers have requests for excessive instream flows. The computer model flows do not reflect the actual flows.

An example, IS 70353 is excessive. In July and August the river gage on the eastern (upstream) end of Prineville Reservoir records 10.0 cfs or less. This should be the amount of the instream water right as the agriculture rights are senior and should be retained as agriculture rights.

IS 70354 - The water in Prineville Reservoir is for irrigation, which was reserved in 1914 for irrigation and has no provision for instream flows or any other flows. Releasing water downstream for instream flows would harm irrigation rights as well as going contrary to the storage rights.

IS 70598 - Johnson Creek is an intermittent stream, drying up in the summer months. During the drought years no water flowed in the stream for months at a time. How can an instream right be issued for 4.0 cfs in August when the stream is dry?

IS 70601 - Lytle Creek during the months from April on is a live stream only because Ochoco Irrigation District diverts water into the stream for irrigation purposes.

We must rely on the watermasters to distribute the water in a fashion to assure the water right holder has their entitlement. We trust the Water Resource Department will continue to protect the agriculture rights and not let a State agency harm senior rights.

Respectfully submitted

OCHOCO IRRIGATION DISTRICT

Hugh Moore, Manager

PROTEST TO PROPOSED FINAL ORDER

Any person may protest the Proposed Final Order. Applicants are not required to pay a fee, but non-applicant protestants must include a \$200 fee as part of their protests. The protest must be submitted to the Water Resources Department; 158 12th St., NE; Salem, OR 97310, and must include the following:

Application No. 15 70354 Applicant's Name ODFW

Protestant's Name OCHOCO IRRIGATION DISTRICT

Address 1001 N. DEER STREET

City PRINEVILLE State OREGON Zip Code 97754

Describe your interest in the proposed final order. If you claim to represent the public interest, include a precise statement of the public interest that you represent. IRRIGATION DISTRICT

DELIVERS IRRIGATION WATER TO SEVERAL HUNDRED USERS FROM THE CROOKED RIVER, STORED WATER IN PRINEVILLE RESERVOIR - THERE ARE MANY DIVERSIONS TO AREA IRRIGATORS FROM THIS REACH OF THE CROOKED RIVER

Describe in detail how the proposed final order will impair or be detrimental to your interest. SHOULD

THE RIVER BE REGULATED FOR THESE FLOWS THE AVAILABILITY OF WATER TO STORE WATER FOR IRRIGATION IN PRINEVILLE RESERVOIR WOULD BE SERIOUSLY JEOPARDIZED. WE ONLY RECEIVE FULL ALLOCATION IN STORAGE IF THE RESERVOIR SPILLS. THIS WOULD REDUCE IRRIGATION WATER FOR CROPS.

Describe in detail how the proposed final order is deficient or in error, and how to correct it. THE METHODOLOGY FOR THE FLOWS IS FLAWED AND BANE IS TOO HIGH. IN CONSENT WITH THE WATER USERS ABOVE THE RESERVOIR WE ARE GATHERING MORE SPECIFIC HYDROLOGIC DATA TO FURTHER REFINE THE ERMF.

Cite any legal authority that supports your protest. ORR-690-776-020, OAR-690-77-015, ORS 537.336, ORS 537.332, ORS 537.343

I certify that to the best of my knowledge the information I have provided in this protest is accurate, true, and correct.

Protestant's Signature Hugh Mason

Date OCT 10, 1996

For Applicants Only: If you file or another person files a protest and you request a hearing, the Department must hold a contested case hearing.

I am the applicant and I

request a contested case hearing.

do not request a contested case hearing.

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OCT 11 1996

(This proof of service, by regular mail is required for all protests by parties other than the applicant. The applicant is not required to submit a proof of service to the Water Resources Department of a protest against a Proposed Final Order.)

PROOF OF SERVICE

I, HUGH MOORE, being first duly sworn, depose and say that on OCTOBER 10, 1996, I mailed a copy of the attached protest against a proposed final order on application number 15-70354 to the applicant by regular mail. A copy of the protest was placed in an envelope addressed to:

O. D. F. & W
Name
P.O. BOX 59
Street Address
PORTLAND OR 97207
City State Zip Code

and deposited in the United States mail with sufficient postage.

10-10-96
Date

Hugh Moore
Signature

Subscribed to and sworn before me this 10th day of October, 1996.



Julie L. Nash
Notary Public for Oregon
My commission expires 1-16-2000.

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OCT 11 1996
WATER RESOURCES DEPT
SALEM, OREGON